

**MINUTES OF A REGULAR MEETING OF  
THE TORRANCE PLANNING COMMISSION**

**1. CALL TO ORDER**

The Torrance Planning Commission convened in a regular session at 7:00 p.m. on Wednesday, August 21, 2013 in City Council Chambers at Torrance City Hall.

**2. SALUTE TO THE FLAG**

The Pledge of Allegiance was led by Commissioner D'anjou.

**3. ROLL CALL/ MOTIONS FOR EXCUSED ABSENCE**

Present: Commissioners D'anjou, Gibson, Skoll, Watson and Chairperson Rizzo.

Absent: Commissioner Polcari (excused).

Also Present: Planning Manager Lodan, Planning Associate Joe,  
Planning Assistant Yumul, Assistant City Attorney Sullivan,  
Associate Civil Engineer Symons, Plans Examiner Noh,  
and Fire Prevention Manager Mapes.

**4. POSTING OF THE AGENDA**

Planning Manager Lodan reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Friday, August 16, 2013.

**5. APPROVAL OF MINUTES**

**MOTION:** Commissioner Watson moved for the approval of the July 17, 2013 Planning Commission minutes as submitted. The motion was seconded by Commissioner D'anjou and passed by unanimous roll call vote (absent Commissioner Polcari).

**6. REQUESTS FOR POSTPONEMENTS**

Planning Manager Lodan relayed requests to continue Agenda Item 10A (MOD13-00001: Home Depot) and Agenda Item 10B (CUP12-00007: Angel Bins) to September 18, 2013.

**MOTION:** Commissioner Skoll moved to continue Agenda Item 10A to September 18, 2013. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote (absent Commissioner Polcari).

**MOTION:** Commissioner Skoll moved to continue Agenda Item 10B to September 18, 2013. The motion was seconded by Commissioner Watson and passed by unanimous roll call vote (absent Commissioner Polcari).

Chairperson Rizzo announced that there would be no additional notification because the hearings were continued to a date certain.

7. **ORAL COMMUNICATIONS #1** – None.

\*

Chairperson Rizzo reviewed the policies and procedures of the Planning Commission, including the right to appeal decisions to the City Council.

8. **TIME EXTENSIONS** – None.

9. **SIGN HEARINGS** – None.

10. **CONTINUED HEARINGS**

10A. **MOD13-00001: HOME DEPOT (CA TORRANCE CROSSROADS, INC.)**

Planning Commission consideration for approval of a Modification of a previously approved Planned Development (PD90-2) to allow truck rentals as an ancillary use to the existing Home Depot store on property located in the PD Zone at 24451 Crenshaw Boulevard. This project is Categorically Exempt from CEQA per Guidelines Section 15301e(1) – Existing Facilities.

Continued to September 18, 2013.

10B. **CUP13-00007: ANGEL BINS (SIMON PROPERTY GROUP)**

Planning Commission consideration for approval of a Conditional Use Permit to allow the installation and operation of donation bins on properties located in the H-DA1 Zone at 3520 and 3525 Carson Street, 21741 Del Amo Circle East, and 3635 Fashion Way. This project is Categorically Exempt from CEQA per Guidelines Section 15301e(1) – Existing Facilities.

Continued to September 18, 2013.

11. **WAIVERS** – None.

12. **FORMAL HEARINGS**

12A. **CUP13-00017: JUSTIN MEDINA (H&A PROPERTIES, LP)**

Planning Commission consideration for approval of a Conditional Use Permit to allow the operation of a hookah smoking lounge serving non-alcoholic beverages, in conjunction with a joint-use parking agreement on property located in the H-NT Zone at 17240 Hawthorne Boulevard. This project is Categorically Exempt from CEQA per Guidelines Section 15301e(1) – Existing Facilities.

**Recommendation:** Denial without prejudice.

Planning Assistant Yumul introduced the request.

Commissioner Skoll asked about the applicant's claim that the business is exempt from the California Labor Code because it will be operated by its three owners and will have no employees.

Assistant City Attorney Sullivan noted that there is some doubt as to whether three people are sufficient to operate a business of this size and advised that even if this exemption applies, the applicant must comply with Labor Code §6404.5(d)(14)(C) & (D) which requires separate ventilation systems for the smoking area and the rest of the facility, and another exit must be provided per the Building Code.

Justin Medina, applicant, provided background information about hookah smoking lounges. He reported that customers smoke water pipes filled with plain or flavored tobacco and socialize and play games and it's a good way to de-stress after work or school. He confirmed that an appropriate ventilation system will be installed if the project is approved. He questioned the maximum capacity listed in the staff report (127 customers), explaining that he calculated a maximum of 75 and that is way over the maximum they would like to have, which is 20-30 customers at any given time.

At Commissioner Skoll's request, Plans Examiner Noh discussed the methods for calculating occupancy loads. He advised that based on square footage the maximum occupancy for this site would be approximately 85 people, however, with the seating arrangement provided by the applicant, it's in the 120 range.

Mr. Medina expressed his willingness to rearrange the seating so the occupancy was within the maximum allowed for a single exit.

Commissioner Skoll expressed concerns about the adequacy of the parking.

Mr. Medina related his belief that the parking provided is sufficient, noting that according to his observations as detailed in his letter (Attachment 6) over 100 spaces will be available during the lounge's peak hours of operation. He reported that he is in discussions with Carnival Plaza regarding a shared-parking agreement to make up the deficit in the required parking.

Commissioner Gibson asked about the Fire Department's position on this project.

Fire Prevention Manager Mapes advised that the Fire Department does not have any particular concerns about the project as long as there are no open flames and flame retardant decorative materials are used as required, however, a second exit must be provided because the plans indicate that the lounge can accommodate well over 49 people, which is the limit for a single exit. She noted that a fire sprinkler system is not required, but it is recommended.

In response to Commissioner Watson's inquiry, Mr. Medina confirmed that the business could operate successfully with a limit of 49 people.

Commissioner D'anjou expressed concerns that the business has limited ability to grow since it would lose the Labor Code exemption that allows smoking in the workplace if there are more than five employees.

Mr. Medina related his understanding that smoking would still be allowed because there is an exemption for retail or wholesale tobacco shops and private smokers' lounges per §6404.5(d)(4).

Assistant City Attorney Sullivan advised that Mr. Medina was misinterpreting this section because smokers' lounges are defined as "any enclosed area in or attached to a retail or wholesale tobacco shop."

Mr. Medina contended that the proposed hookah lounge would qualify because income will be derived from the sale of tobacco.

Chairperson Rizzo suggested that it was not appropriate to debate the issue at this time and voiced his opinion that it was clear from this discussion that a lot more work needs to be done on the business plan for this project.

Chairperson Rizzo invited public comment.

Gary Ward, H & A Properties, representing the property owner, expressed confidence that parking will not be an issue if the project is approved. He requested clarification regarding various recommended conditions of approval, which was provided by staff.

Mr. Medina requested a continuance so he could review the business plan, reconfigure the seating arrangement to lower the occupancy load, and obtain a joint parking agreement.

It was the consensus of the Commission to continue the hearing rather than denying the project without prejudice so the applicant would not incur any additional fees.

Commissioner Gibson offered words of encouragement, but stressed the need for Mr. Medina to "do some homework" before returning to the Commission.

In response to Commissioner Watson's inquiry, Mr. Medina confirmed that the hookah lounge would have a bohemian coffee-house type atmosphere, noting that hookah lounges offer young people an alternative to bars and the destructive behavior associated with them.

Chairperson Rizzo recommended that the applicant work with the City Attorney's office or obtain his own legal counsel so he would have a better understanding of the applicable laws.

**MOTION:** Commissioner Skoll moved to continue the item to October 2, 2013. The motion was seconded by Commissioner Gibson and passed by unanimous vote (absent Commissioner Polcari).

Chairperson Rizzo announced that there would be no additional notification because the hearing was continued to a date certain.

\*

The Commission recessed from 7:50 to 8:00 p.m.

## **12B. LUS13-00003: CITY OF TORRANCE**

Planning Commission consideration of the 2014-2021 Housing Element, one of seven State-mandated elements, which sets forth the programs and policies for creation and preservation of housing based on the needs of the community. The City is in the process of updating the General Plan Housing Element as required by State law for the fifth Housing Element cycle covering 2014 to 2021. An Addendum to the General Plan Final Environmental Impact Report (FEIR) (SCH No. 2008111046) has been prepared to address the minimal changes that are being proposed as part of the update.

Planning Associate Kevin Joe introduced the item and provided background information about the Housing Element.

Diane Gonzalez, MIG, Inc., consultant, provided an overview of the 2014-2021 Housing Element in a brief PowerPoint presentation. She reported that revisions were made as a result on comments received during the public workshop on May 1, 2013; that a draft was then submitted to the State of California Department of Housing and Community Development (HCD) for review; that HCD requested clarification of some issues and non-substantive revisions; and that HCD subsequently determined that the Draft 2014-2021 Housing Element complies with State housing law. She noted, however, that the Housing Element cannot be certified until a zoning amendment has been completed to permit emergency shelters for the homeless without discretionary approval per Senate Bill 2 (SB2). She explained that the 2008 Housing Element called for this action, but the zoning amendment was not implemented. She discussed the importance of certification and reviewed the next steps in the certification process.

Commissioner Skoll asked about the consequences should a property that has been identified as a potential housing site to satisfy the City's RHNA (Regional Housing Needs Assessment) be developed for some other use.

Ms. Gonzalez advised that that this should not be a problem because the City has a surplus of potential housing sites and would still have the capacity to meet the RHNA for this planning period.

Responding to questions from the Commission, Ms. Gonzalez explained that in order to comply with SB2, the City has to amend the zoning code to permit emergency homeless shelters in certain zones if they comply with all standards without discretionary review. She noted that there must be capacity within the zone for the estimated homeless population, which for Torrance is 88 people. She emphasized that there is no requirement that a homeless shelter be built, only that the City make provisions for them in the zoning code.

Commissioner Watson asked about the impact of the elimination of Redevelopment Agencies on affordable housing, and Ms. Gonzalez responded that this has had a very significant impact because RDAs were the primary funding source for affordable housing.

Planning Manager Lodan reported that staff will return with a draft ordinance regarding emergency homeless shelters for the Commission's review and then it will be forwarded along with the updated Housing Element to the City Council by October 15, 2013. He noted that the City must adopt its Housing Element within 120 days of that date (February 12, 2014) and staff intends to complete the process well before that deadline.

**MOTION:** Chairperson Rizzo moved to close the public hearing. The motion was seconded by Commissioner Skoll and passed by unanimous roll call vote (absent Commissioner Polcari).

**MOTION:** Commissioner Skoll moved to recommend that the City Council adopt a resolution adopting the 2014-2021 Housing Element and the Addendum to the Final EIR. The motion was seconded by Commissioner Gibson and passed by unanimous roll call vote (absent Commissioner Polcari).

13. **RESOLUTIONS** – None.

14. **PUBLIC WORKSHOP ITEMS** – None.

15. **MISCELLANEOUS ITEMS**

**15A. COMMUNITY DEVELOPMENT DIRECTOR WEEKLY SUMMARY REPORTS**

Planning Manager Lodan noted that the Community Development Director Weekly Summary Reports for August 2 and August 8, 2013 were distributed to the Commission.

**16. REVIEW OF CITY COUNCIL ACTION ON PLANNING MATTERS**

Planning Manager Lodan reported that the City Council adopted a resolution denying the project at 2212 Gramercy at the August 13 City Council meeting.

**17. LIST OF TENTATIVE PLANNING COMMISSION CASES**

Planning Manager Lodan reviewed the agenda for the September 18, 2013 Commission meeting, noting that there will be no meeting on September 4 due to the Labor Day holiday.

**18. ORAL COMMUNICATIONS #2 – None.**

**19. ADJOURNMENT**

At 8:35 p.m., the meeting was adjourned to Wednesday, September 18, 2013 at 7:00 p.m.

###

Approved as Submitted September 18, 2013 s/ Sue Herbers, City Clerk
---